

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

PAUL JAMES KOUMJIAN,
TDCJ 1039181,
Plaintiff,

versus

NATHANIEL QUARTERMAN, ET AL.,
Defendants.

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CIVIL ACTION H-08-2479

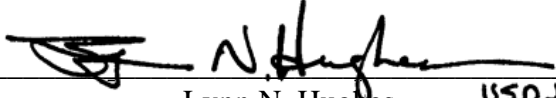
Opinion on Dismissal

Paul James Koumjian sues for mandamus relief. 42 U.S.C. § 1983; 28 U.S.C. § 1651. He is held in the state prison. He moves to proceed as a pauper. Koumjian has sued about 30 other times in the federal district courts in Texas. The district court dismissed three of these lawsuits as frivolous or for failure to state a claim. *See Koumjian v. Fry, et al.*, 5:93cv106 (N.D. Tex.); *Koumjian v. Bush, et al.*, 1:98cv1203 (W.D. Tex.); and *Koumjian v. Johnson, et al.*, 303cv225 (S.D. Tex.). The Court of Appeals for the Fifth Circuit dismissed one of Koumjian's appeals as lacking jurisdiction, noting that it was frivolous. *See State of Texas, et al v. Koumjian*, 96-50216 (5th Cir.). When Koumjian sued, he was confined in prison or jail. The courts dismissed these other cases before Koumjian filed this case.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which were dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). The three-strikes rule bars mandamus cases. *In re Crittenden*, 143 F.3d 919, 920 (5th Cir.1998). Koumjian's papers do not show imminent danger.

This complaint is dismissed. 28 U.S.C. § 1915(g).

Signed August 21, 2008, at Houston, Texas.


Lynn N. Hughes
United States District Judge

USDJ